APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,962	05/02/2000	JEAN-JACQUES CHEVREUL	P06682US0/RF	9611

881 7590 02/26/2004		EXAMINER
STITES & HARBISON PLLC		USTARIS, JOSEPH G
1199 NORTH FAIRFAX STREET		
SUITE 900	ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314	2611	

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _11-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _11-20_ is/are rejected.

7)☒ Claim(s) _8 and 16_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 8 been renumbered to 18.

Claim 16 objected to because of the following informalities:

- Claim 16 depends on a nonexistent claim 2. The office will assume that

    claim 16 depends on claim 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A).

Kostreski et al. (Kostreski) discloses a programmable digital entertainment

terminal (DET) or "digital television decoder platform" where it is able to download

applications or "operating software" from a downstream (See column 4 line 43 – column

5 line 65). Each application comes from one of many service providers or "operator"

selectable by the user (See column 9 lines 20-40) and the DET can receive applications

only intended for that particular DET using virtual circuit identifier/virtual path identifier

(VCI/VPI) or "filter fields", which are assigned to the DET (See column 17 lines 20-45).

The DET stores the application within the random access memory (RAM) or "program

memory" and the application is used to control the DET so that it can offer or decode

the services provided by the service providers (See column 4 lines 40-67 and column 7

lines 10-20). The service provider transmits the applications or "broadcasts messages"

periodically (See column 5 lines 20-40). When the DET is powered up a loader program

or "boot loader" is loaded and broadcasts the DETs identity or VCI/VPI or "filter fields"

(See column 11 lines 1-10) and the loader program is stored in ROM or

"protected...memory zone" (See column 9 lines 24-40). The applications are sent out

using asynchronous transfer mode (ATM) cells payload data where the VCI/VPI is used

to direct the ATM cells to specific DETs or "identifying the platform" (See column 17

lines 20-45). However, Kostreski lacks a method where the applications are sent having

electronic signatures.

Renaud et al. (Renaud) discloses a system and method for implementing digital

signatures or "electronic signatures" for data streams and data archives. Renaud sends

a signature file or also known as a header along with the data that includes a digital

signature (See column 6 lines 50-67 and Fig. 3a). Therefore, it would have been

obvious to one with ordinary skill in the art at the time the invention was made to modify

the applications sent by the service providers disclosed by Kostreski to include a digital

signature stored within a header, as taught by Renaud, in order to provide a means of

securing and verifying the authenticity of the applications sent by the service providers

over the network.

Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A) as applied

to claim 11 above, and further in view of Lett (US005771064A).

Regarding claim 12, Kostreski in view of Renaud transmits the applications as

ATM cells or "data" to be stored within the RAM as discussed in claim 11. However,

Kostreski in view of Renaud lacks a method where the applications are transmitted and

copied at a respective address supplied by the header.

Lett discloses a home communications terminal or DET that is also upgradeable

by downloading applications. The applications are also sent with a header, wherein the

header includes addresses of the destination banks of the RAM where the application

data is going to be stored at (See column 13 lines 35-50 and Fig. 7). Therefore, it would

have been obvious to one with ordinary skill in the art at the time the invention was

made to modify the header disclosed by Kostreski in view of Renaud to include

addresses of the destination banks of the RAM where the application data is going to be

stored, as taught by Lett, in order to provide a simple means of transferring and storing data to the memory.

Regarding claim 13, Renaud also discloses that the header can contain information about the name of the file, the version of the file, or "description of the respective application" (See column 6 lines 50-67). Also the header can have descriptions for each of the data files or "data blocks".

Regarding claim 14, Official Notice is taken that it is well known to include error correction code in data being transmitted over a network. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the applications sent by the service providers disclosed by Kostreski in view of Renaud and in further view of Lett to include error correction code in order to ensure that the application is correctable at the receiver if any errors occur during transmission.

Regarding claim 15, the header file also includes the version of the file or "software" or "identity of the current version of the software" (See claim 13).

Regarding claim 16, the DET broadcasts information associated with the services provided by the service providers or "SI or PSI information", which are compared or "associated" with the applications available for download, wherein the information broadcasted includes the identity of the DET and the current version of the applications already stored on the DET or "identity of a current version of the software loaded in the platform" (See Kostreski column 11 lines 1-25).

Regarding claim 17, Official Notice is taken that it is well known to encrypt data or signatures being transmitted over a network. Therefore, it would have been obvious

to one with ordinary skill in the art at the time the invention was made to modify the

digital signature disclosed by Kostreski in view of Renaud and in further view of Lett to

be encrypted in order to provide a higher level of security reducing the risk unauthorized

use.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Laubach et al. (US006081533A).

Regarding claim 18, Kostreski et al. (Kostreski) discloses a programmable digital

entertainment terminal (DET) or "digital television decoder platform" where it is able to

download or "extract" applications or "operating software" from a downstream or "data

stream" (See column 4 line 43 – column 5 line 65). Each application comes from one of

many service providers or "operator" selectable by the user (See column 9 lines 20-40)

and the DET can receive applications only intended or "authenticate the application" for

that particular DET using virtual circuit identifier/virtual path identifier (VCI/VPI) or

"identification keys", which are assigned to the DET (See column 17 lines 20-45). The

DET stores the application within the RAM or "program memory" and the application is

used to control the DET so that it can offer the services provided by the service

providers (See column 4 lines 40-67 and column 7 lines 10-20). The service provider or

"broadcasting station" transmits the applications after it checks the current version of the

application currently loaded on the DET. The check is performed every time the user

changes service providers thus "repetitively" transmitting applications when necessary

(See column 11 lines 1-25). The application is sent out using asynchronous transfer

mode (ATM) cells payload data or "sequence of blocks" where the VCI/VPI is used to direct the ATM cells to specific DETs (See column 17 lines 20-45). However, Kostreski lacks a general-purpose process module that performs the system described above.

Laubach et al. (Laubach) discloses a method and apparatus for an application interface module (AIM) in a subscriber terminal unit where one of the AIM could be used to provide ATM transmissions for the subscriber terminal unit or DET (See Fig. 14 and column 16 lines 25-40). Multiple AIMs are available to provide different functions to the subscriber terminal unit. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the process performed by the DET disclosed by Kostreski to be carried out in an AIM and to allow the DET to accept AIMs, as taught by Laubach, in order to provide the DET a convenient means of upgrading without purchasing a new DET.

Regarding claim 19, the DETs or AIM contain a processor, RAM or "volatile memory", and ROM or "non-volatile memory zone", which is protected (See Kostreski column 7 lines 10-20 and Laubach Fig. 14).

Regarding claim 20, Kostreski discloses that the ROM could also be flash memory (See column 9 lines 40-55).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Metz et al. (US005768539A) for a similar method of downloading applications through a broadcast channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU
February 12, 2004

HAI TRAN
PATENT EXAMINER